



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: HSQ Technology

File: B-277048

Date: August 21, 1997

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for the agency.

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Counsel, GAO, participated in the preparation of the decision.

DIGEST

Agency reasonably rejected proposal as unacceptable where proposal exceeded page limit set out in the solicitation and agency reasonably concluded that proposal without excess pages was unacceptable, since it lacked material sections of the technical proposal and the entire price proposal.

DECISION

HSQ Technology protests the rejection of its proposal to supply power plant controls for a dam system under Department of the Army request for proposals (RFP) No. DACW45-96-R-0050. The agency excluded HSQ's proposal from further consideration because it contained substantially more pages than permitted under the RFP page limitation. HSQ contends that, had the agency refrained from counting attachments and other items not subject to page limitations, its proposal would have been compliant.

We deny the protest.

The RFP, issued on December 10, 1996, requested the submission of proposals consisting of four volumes: (1) offer and other documents, (2) qualifications statement, (3) business management/technical, (4) and price. The RFP set out the required print and page margin sizes and required that the overall proposals be "strictly limited" to 300 pages. It advised that submitting a proposal containing more than 300 pages "will be considered failure to comply with solicitation requirements," and that such noncompliance "could result in elimination of the offer from the evaluation process." The RFP also listed subelements to be evaluated under the business management and technical portions of the proposal. Five proposals were received by the amended February 4, 1997, deadline for proposal submission.

The agency reports that HSQ's proposal was rejected because the agency found that it contained approximately 591 pages (2 pages in volume I, 12 pages in volume II, 572 pages in volume III, and 5 pages in volume IV). The proposal contained numbered and unnumbered pages, with numbered pages interspersed among large blocks of unnumbered pages without any indication as to which portions of the submittal were intended for evaluation. Because the proposal was put together in this way, the agency concluded that it could not determine which pages were intended to constitute the proposal and that a meaningful evaluation of it was impossible. Further, the Army concluded that HSQ's proposal was outside the competitive range because the first 300 pages of the proposal did not include all material parts of the business management/technical volume of HSQ's proposal or the pricing proposal.

Offerors are generally required to establish the acceptability of their proposals within the format limitations set out in the solicitation, such as the page limit at issue here, and offerors assume the risk that proposal pages beyond the page limits will not be considered, since consideration of an offeror's excess proposal pages could give that offeror a competitive advantage. All Star Maintenance, Inc., B-244143, Sept. 26, 1991, 91-2 CPD ¶ 294 at 3-4; Infotec Dev., Inc., B-238980, July 20, 1990, 90-2 CPD ¶ 58 at 4-5; see also Management & Indus. Techs. Assocs., B-257656, Oct. 11, 1994, 94-2 CPD ¶ 134 at 3. Nonetheless, where the solicitation states--as is the case here--that a proposal exceeding a page limit "could" be excluded from consideration, such a proposal may properly be rejected only if there is a reasonable basis for the rejection, such as where the proposal is found unacceptable (or outside the competitive range) when it is evaluated without consideration of pages in excess of the page limit. Macfadden & Assocs., Inc., B-275502, Feb. 27, 1997, 97-1 CPD ¶ 88 at 3-4.

HSQ contends that its proposal contained fewer than 300 pages and relies on a recent decision of our Office, Macfadden & Assocs., Inc., supra, to argue that the agency's rejection of its proposal was improper. In Macfadden, we found that, where an offeror's proposal was within the solicitation's page limitation, the agency could not automatically reject the proposal simply because, together with its appendices, it exceeded the page limit.

HSQ contends that its proposal, like the one at issue in Macfadden, complied with the page limitation. The protester argues that the agency improperly counted the cover pages, table of contents, and attachments, and that the proposal itself actually contained only 278 pages--of which 265 were in the business management/technical volume of the proposal. HSQ does not explain how it reached this figure of 265. Our Office's review of that volume alone found 321 pages, without counting cover sheets, tables of contents, or pages labelled as attachments. The 321 figure counts as single pages eight folded charts/diagrams, even though, when unfolded, each of those charts or diagrams would appear to count as two pages under the RFP format limitations. Our count of 321 also does not take into account the fact that some

proposal pages had margins smaller than permitted by the RFP, correction of which would increase the number of pages in this volume. Accordingly, even accepting the protester's position that the agency should ignore certain pages, such as cover sheets, tables of contents, and attachments, HSQ's business management/technical volume alone still exceeds the 300-page limitation by at least 21 pages.

In any event, this case is distinguishable from Macfadden. In Macfadden, we held that it was improper for the agency to automatically reject the proposal without evaluating whether the pages within the 100-page proposal limitation at issue in that case (the proposal without its appendices) was acceptable. Our review of the proposal at issue in Macfadden indicated that there was nothing on the face of the proposal to indicate that it could not be acceptable if only the pages within the page limit were evaluated. Id. at 3. In HSQ's case, the agency had a reasonable basis for its finding that evaluating only the first 300 pages meant that the proposal was unacceptable.¹ Specifically, by our count, after including the pages of volumes I and II (which total, even by the protester's count, nine pages), and the first 291 pages of volume III (to reach the 300-page limit), a part of the proposal addressing the training subelement and the entire documentation/project schedule subelement of the technical support element--which were requirements under the RFP--as well as the price proposal are outside the page limit and thus were reasonably excluded from the proposal evaluation. In view of these material omissions, which would require major revisions by HSQ to make its proposal acceptable, we think the agency reasonably concluded that HSQ's proposal was unacceptable and outside the competitive range. See Infotec Dev., Inc., *supra*.

The protest is denied.

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¹In this case, moreover, there were pages throughout HSQ's proposal that the protester admits should be counted interspersed among pages that it now argues should not be counted. In our view, it is not reasonable to impose on an agency that has set out a clear page limitation in a solicitation the obligation of sorting through hundreds of pages to decide which pages should and should not be counted toward that limitation.